



Alessandra Stivelman, Esq.
Partner
astivelman@eisingerlaw.com
Phone: 954.894.8000
Fax: 954.894.8015



Board Certified in Condominium &
Planned Development Law

June 5, 2023

VIA EMAIL, FIRST CLASS AND CERTIFIED MAIL:

Cynthia Buckley
55201 West Club Circle, Unit 103
Boca Raton, FL 33487
E-Mail: Edwriter10@gmail.com

RE: San Remo Golf & Tennis Club Condominium Association, Inc. (the "Association")/ Cynthia Buckley – Unit 103 (the "Unit"); Response to Request for Reasonable Accommodation to the Association's No-Pet Policy

Dear Ms. Buckley:

Please be advised that the undersigned Firm represents the interests of San Remo Golf & Tennis Club Condominium Association, Inc. (the "Association") in connection with its general legal matters. In our capacity as counsel to the Association, we have received information and documents forwarded to the Association in support of your request to maintain an emotional support animal (herein after referenced to as an "assistance animal"), in the Unit located within San Remo Golf & Tennis Club Condominium. While in the process of reviewing the information provided in support of your request, the Association received additional information from your fellow neighbors indicating that you had allegedly disclosed to various individuals that you recently purchased the dog for your child, in contradiction to the information provided to the Association. Please be advised that these allegations and the conflicting information received by the Association raises serious concerns as to the legitimacy of your request for a reasonable accommodation.

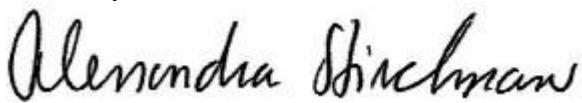
According to the U.S. Department of Housing and Urban Development, there is currently no recognized assistance animal registration program recognized under the ADA or FHA. Notwithstanding, as set forth in the FHEO Notice No.: FHEO-2020-01 issued on January 28, 2020, some websites sell certificates, registrations, and licensing documents for assistance animals to anyone who answers certain questions or participates in a short interview and pays a fee. Under the Fair Housing Act, a housing provider may request reliable documentation when an individual requesting a reasonable accommodation has a disability and disability-related need for an accommodation that is not obvious or otherwise known. However, HUD notes that in its experience, such documentation from the internet is not, by itself, sufficient to reliably establish that an individual has a non-observable disability or disability-related need for an assistance animal. Furthermore, HUD explicitly states that **healthcare providers must possess personal knowledge regarding their patients' disabilities and associated requirements prior to endorsing such requests.**

Please be advised that the law also states that there can be **criminal penalties** if a person falsifies information or documents, or knowingly provides fraudulent information or documents, to support an emotional support animal request, or who otherwise knowingly and willfully **misrepresents** their disability status or needs, commits a misdemeanor offense in the second degree.

After careful consideration and based on a totality of the circumstances, including the Association being advised of the original intent of the obtaining the dog and alleged misrepresentation regarding same, the Association has requested that we communicate to you the Board's decision to deny your request for a reasonable accommodation to the Association's pet policy. Please note that we have been made aware that you have already brought the puppy onto the Unit without obtaining the Association's approval to your request for an accommodation. We must emphasize that the Association has a strict "no pet" policy in place, which applies to all residents and units within the Condominium. The presence of the dog on the premises is in violation of the Association's governing documents. Therefore, it is imperative that you immediately remove the dog from the Unit and comply with the Association's governing documents. Failure to comply with the Association's no pet policy may result in further actions being taken by the Association, including but not limited to fines, penalties, and/or legal proceedings.

PLEASE GOVERN YOURSELF ACCORDINGLY.

Sincerely,



ALESSANDRA STIVELMAN, ESQ.
Partner
For the Firm

AS:JC

cc: Association